

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

E.I. DU PONT DE NEMOURS AND)	
v.)	NO. 3:03-848
)	JUDGE CAMPBELL
CARDINAL HEALTH, INC., ET AL)	

ORDER

Pending before the Court is a Report and Recommendation of the Magistrate Judge entered October 14, 2005 (Docket No. 511) and DuPont's Motion for De Novo Determination of the Magistrate Judge's October 14, 2005 Report and Recommendation (Docket No. 516). Also before the Court is Dupont's Memorandum in Support of its Motion for De Novo Review of the Magistrate Judge's October 14, 2005 Report and Recommendation (Docket No. 515) setting forth Dupont's objections to the Report and Recommendation of the Magistrate Judge.

The Court orders as follows:

Dupont's Motion for De Novo Determination (Docket No. 516) is GRANTED.

The Court has made a de novo review of the Magistrate Judge's findings, Dupont's objections thereto, and the record. 28 U.S.C. §636(b)(1)(B).

Dupont's objections to the Report and Recommendation are OVERRULED and the Report and Recommendation (Docket No. 511) is ADOPTED and APPROVED.

Cardinal Health 200, Inc.'s Motion for Summary Judgment (Docket No. 339) is GRANTED in part and DENIED in part. Cardinal Health 200, Inc.'s Motion for Summary Judgment is GRANTED with respect to Dupont's claim under the Lanham Act as set forth in Count VIII of the First Amended Complaint (Docket No. 57). Accordingly, Dupont's claim under the Lanham Act is DISMISSED. Cardinal Health 200, Inc.'s Motion for Summary Judgment is DENIED as moot with respect to Dupont's state law claims. The Court declines to


exercise supplemental jurisdiction over the remaining state law claims, and counterclaims, in this action and all state law claims, and counterclaims, are DISMISSED without prejudice. 28

U.S.C. §1367. Accordingly, this case is DISMISSED in its entirety.

All other pending motions are DENIED as moot.

Entry of this Order shall constitute final judgment in this matter. Fed. R. Civ. P. 58.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE